

for Roanoke  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DEMARIO D. WALKER, )  
Plaintiff, ) Civil Action No. 7:08cv00591  
)  
v. )  
ROANOKE CLERKS, et al., )  
Defendants. ) MEMORANDUM OPINION  
)  
By: Hon. Jackson L. Kiser  
Senior United States District Judge

Plaintiff Demario D. Walker, a Mississippi inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Walker has also requested to proceed in forma pauperis.

According to court records, Walker has filed at least three civil actions in a court of the United States that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.<sup>1</sup> Therefore, Walker may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Walker has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”<sup>2</sup> I dismiss his complaint without prejudice.

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 20<sup>th</sup> day of November, 2008.

  
Jackson L. Kiser  
Senior United States District Judge

<sup>1</sup> See Walker v. Mississippi Parole Board, et al., Civil Action No. 3:08cv132 (S.D. Miss. May. 29, 2008) (dismissed as frivolous); Walker v. Jackson, et al., Civil Action No. 5:08cv221 (S.D. Miss. July 14, 2008) (dismissed as malicious); Walker v. United States, et al., Civil Action No. 1:08cv3025 (E.D.N.Y. Aug. 18, 2008) (dismissed as frivolous).

<sup>2</sup> Walker alleges that the Roanoke County Clerk denied him and his “mail [sic]” partner a marriage licence and that the United Stats Army refused to accept Walker as a member of the armed forces because he is a homosexual. The court finds that Walker’s allegations fail to demonstrate that he is under imminent danger of serious physical harm.